P21

G. R. S. IX-5]

Previous references. Prescw—

1917-18
(Police)

File No. 68-17

Serial Nos. 165

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 165

Part B for January 1918

SUBJECT.

Procession dispute between the 9 & the 18 Phana people of Devanahalli Taluk

---

To the District Magistrate Bangalore

No J 2325 dt 4-1-18

Invites attention to the recent judgement of the Chief Court in Regular appeal No 140 of 1916-17 and requests to hear both parties with their Counsel and pass suitable orders in the light of the judgement

Mir Atiqur Rahman
9.1.1918

M D S—GPB—50,000—24-7-18.

G. R. S. III—1] 1917-18

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No.

FILE HEADING.

Possession dispute between the 9 & the 18 Pharua people of Bhanbhaly

From

Appalaraju Lanka & others of Bhanbhaly

No. [illegible] Dated [illegible] Received [illegible]

Diary No. 7-54	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Subdr. for orders with a Draft calling for a report in the matter.

Sur A

B.J.
26.6.17

D-T-O. E.J. Dawes 26/6

NOTES—First Sheet.

WD 1252—GPB—20,000—18-11-16

G. R. S. 12.]
General and Revenue Secretariat.

PR File No. 68 of 1917

12

Serial No.

2 To. The Dt Magte Bangalore Dt
No J 1506 Dt 2-11-1917
Calls for a report in the matter with the records.

3 From The Dt. Magte. Bangalore Dt. no. R.O.S 396-J17-18
Dt 23 11 17
Submits a report & the records.

3) The petitioners' complaint is that the Dt. Magte's order does not confine itself to the particular case in question but is general and affects rights about which there is no dispute. They therefore request that it may be modified so as not to affect such rights. If it is decided to hear the parties notices will be issued to them.

Submd. for orders

BS.
6.12.17

4) The facts of this case are clearly given in the petition presented to Govt. Both the orders passed by the District Magistrate have been made ex parte and the parties their Counsel have not been heard together. Further, the order seems to prohibit all processions whatever until such time to come unless all the people come to terms. ~~Such an order to be obtained~~. Such order seems to go too far. It has been established in a number of cases that it is the inherent natural right of a

Note—Contn. sheet.

GPB—50,000—12-8-19

1181

WD 1233—GPL—60,000—1-12-16—S.

(2)

(3)

G. R. S. III-2.

General and Revenue Secretariat. | Police File No. 68 of 1917-18.

Serial No.

citizen to use the public Streets for a lawful purpose in a lawful manner. Though the parties have the right to establish their claims in a civil court, while the Magistrate should as far as possible not discontinue & cut short litigation but try to maintain the lawful rights of people. Matters is respectfully invited to a recent judgment of this Chief Court in this matter. If approved, the District Magistrate may be informed that in his order for parties what is necessary for the case, that he might hear both the parties with their counsel and pass suitable orders in accordance with the light of the recent judgment of the Chief Court.

X (in the linked file)

file de block.

B.G. 18.12

18/12

-2-1/17.12

First Member

Yes.

15/12

Subd. with two Bags.

B 4-1-18

B.G. 20.12.17. MR.

20/12

4 To K. Gopalakrishnappa at Others Devanhalli

Thro" Mr B.V. Ramasami Chetty, Advocate, Bangalore

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

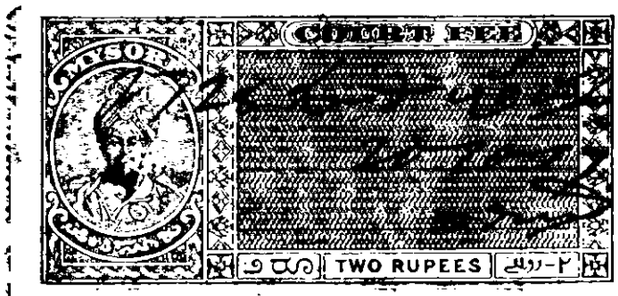
14

G. R. S. III-2]

General and Revenue Secretariat.	File No.	of 191

Serial No.	
5	No J 2324 Dt 4-1-18 States that the Dt Magte Bangalore has been requested to hear both parties and pass suitable orders in the matter 2. The Dt. Magte Bangalore. No J 2325 Dt 4-1-18 Invites attention to the recent Judgment of the Chief Court in Regular Appeal No 140 of 1916-17 and requests to hear both parties with their Council and pass suitable orders in the light of the Judgment.

NOTE—Contn. sheet.



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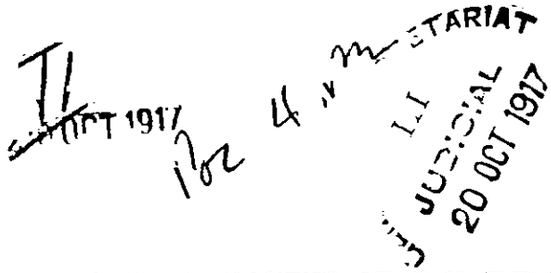
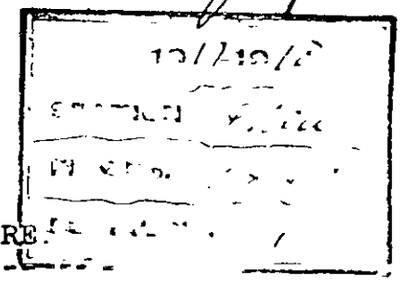
DIARY No. 9954





BEFORE THE GOVERNMENT OF H.H.THE MAHARAJA OF MYSORE.

Revenue Appeal No. of 1917-18.

1.Gopalakrishnappa, 2.Ayyappa,3.Huvvina Venkataramiah,4.Venkataravanappa,5. M. Govinda Setti,6.Avati Muniyappa,7.Venktasamappa,8.Chickpapiah,9.Munisamappa,10.M. Venkatasamappa,11.Venkatadasarappa,12. - Dodda Venkatappa,13 Huvvina Ramiah, 14. Kumbar Muniswamappa,15.Sitaramiah,16. - Munisavmy, all residing in Devanahally. | Appellants.

--VS--

1.C.Maligappa Setty,2.Pavada Setty, 3. Bheemanna,4.Komarappa,5.Kalappa, 6. - Kempanna,7.Nanjundappa,8.Maligappa,9. Nanjundappa,10.Rudrappa,11.Nanjappa,12. Channaveerappa,13.Channappa,14.Basappa, 15.Chikkaveerabhadrappa,16. Arasappa,17. Rudrappa,18.Puttappa,19.Munisandappa,20. Sankuppa,21.Varadappa,22.Kempanna,23.Dodmunisamappa,24.Kalappa,25.Ballapurada - Rudrappa,26.Veerasettappa,27. Chickka - Rudrappa,28.Dodda Arasappa,29.Veerabhadra Setty,30.Yejaman Doddarasappa,31.Yejaman Channappa, all residing in Devanahally. | Respondents.

The appellants abovenamed most respectfully beg to appeal against the order of the District Magistrate, Bangalore, dated 28th July 1917, copy of which is herewith produced, on the following amongst other grounds:-

1. From time immemorial Devanahally Town has been divided into two sections. The portion to the North of the red line marked A in the plan herewith produced belongs to the 18th Phana people and that which is to the South of the line marked B in the plan belongs to the 9th Phana people.

2. According to the longstanding custom and the admissions of the respondents made in their petitions, neither phana can carry its processions into the portion recognised as belonging to the other phana, but either phana can conduct any procession it likes within its own limits.

3. It is also the custom for the 18th phana people, who are living in B, the portion belonging to the 9th phanam people in the parts marked Green in the plan, to conduct processions in that portion and carry them into A, the portion belonging to the 18th phanam people. Similarly according to mamool, 9th phanam people living in A, the portion belonging to the 18th phanam people exercised the same right.

4. In 1916 when some sections of the 18th phanam people did the annual Ganga Devi Jatra within the limits of A the portion belonging to the 18th phanam people, the Besthars who belong to the 18th phana but live in the portion B, arranged according to mamool to take artis to the Ganga Devi Temple, which is in the portion A. After this procession started and was going through the streets of the portion B, it was abruptly stopped by some 9th phana people. In consequence of this, there was a Criminal Case filed by Sanjeevappa the head of the processionists against the disturbers of the procession in the Doddaballapoor Range Assistant Commissioner's Court, Bangalore.

5. Subsequently before the Amildar there was a settlement in writing of the dispute between the 9th phana people and the 18th phana people living in the portion B, the leaders of both parties signing it. This settlement is in accordance with the said custom. In accordance with this settlement and mamool, some licenses

were

(7

were taken and processions were conducted by the 9th - phana people. The Besthars belonging to the 18th phana and living in the portion B also took a license and carried the arties which had been stopped in 1916, the procession starting in the Southern portion of the Town and passing into the Northern portion up-to the said Ganga Devi Temple.

6. This year the Sections of the 18th phana people who do the Ganga Devi Jatra annually arranged to - perform it. For this purpose they applied for the usual license and for taking arties from the Southern portion of the Town into the Northern portion, Besthar Chickka Muniyappa who lives in the Southern portion also applied for license.

7. Contrary to mamool and the said settlement, - the 9th phana people set up C. Maligappa Setty and Pavadi Setty to apply to the District Magistrate, Bangalore, to stop the grant of license to Besthar Muniyappa to take in procession artis through the streets of the 9th phana people into the 18th phana portion where the Ganga Devi Jatra had to take place.

8. On this petition, the District Magistrate ordered that the license i.e., the license that had been applied - for by Besthar Muniyappa to take artis from the Southern to the Northern portion should be held in abeyance till the - matter was enquired into. He also called for a report from the Amildar. The latter submitted a report explaining the whole situation. Thereon the District Magistrate passed - an order dated 24-7-1917 approving the grant of licenses as recommended by the Amildar.

9. After this on 26-7-1917 the Amildar granted both the licenses, -one to Besthar Muniyappa to carry artis -

from

from the Southern portion to the Northern portion of the Town and another to Yejaman Krishnappa and others for performing Ganga Devi Jatra in the Northern portion of the Town belonging to the 18th phana people. But - meanwhile, out of malice the 9th phanam people filed - before the District Magistrate two petitions-one on 23rd July 1917 by persons who signed the said settlement as representatives of their community and another on 27th July 1917 by persons who had been set up by the former. In these petitions, the complaint that has been made is with reference to the granting of the license to the - Besthars living in the portion B to carry artis in procession from that portion into A the portion belonging to the 18th phana people. In none of these petitions is there objection taken to the Ganga Devi Jatra being performed or processions being conducted by the 18th - phana people within the limits of their portion of the Town.

10. Although the said petitions are not based on facts, the learned District Magistrate, without hearing the other party and without holding any enquiry into - the matter but by being led away by the misrepresentations contained in the said petitions, passed an ex parte order dated 28th July 1917 on the petition of the respondents dated 27-1-1917 directing that no processions of either the 9th or 18th phanas should take place till both parties come to an agreement amongst themselves in the matter.

11. In consequence of the passing of this general order the Amildar and the Police withdrew not only the license that had been granted to Besthar Muniyappa to - carry the artis but also the license that had been - granted for the performance of the Jatra within the -

limits

(9

limits of the portion of the Town belonging to the 18th phana people.

12. This order has further led to the Amildar and the Police prohibiting all ~~the~~ processions in the Town, -even processions that had to be conducted by the 18th - phana people within the limits of their portion of the Town about which there was no dispute whatever. The - order has thus unnecessarily caused a grievance to the appellants, who, though they are 18th phana people, are - yet not parties to the contention between the 9th phana people and those 18th phana people who are living in B, the portion of the town belonging to the former.

13. When the 9th phana people have in their petitions only objected to the 18th phana people who are - living in the Southern portion of the Town conducting - processions therein, there is no reason whatever for the District Magistrate to pass a general order affecting the whole Town.

14. The appellants, who are 18th phana people do not reside in the Southern portion of the Town and are not directly concerned with the dispute between the 9th phana people and those 18th phana people who are living in the Southern portion of the Town.

15. As the local authorities have acted on the - general order passed by the District Magistrate and have been prohibiting even processions about which there has been no dispute until now, the appellants applied to the District Magistrate to cancel his order. But he has not been pleased either to revoke it or modify it in such a way as not to make it affect rights about which there is no dispute.

16. The order of the District Magistrate prohibiting all processions in the Town is unjustifiable and un-

-necessary

unnecessary and is working a very great hardship on innocent people.

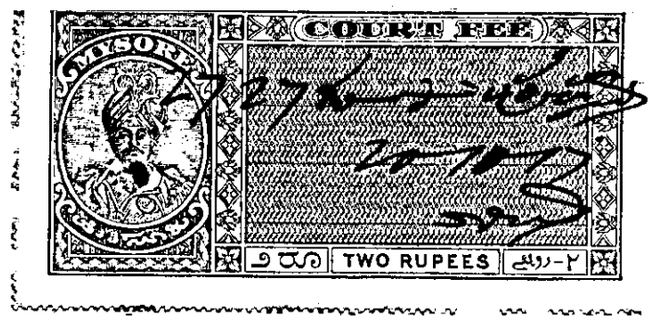
17. If the learned District Magistrate had held an enquiry, he would have come to know the truth or - otherwise of the contention of the 9th phana people. But whatever may be the merits of this contention, - there is no reason for the District Magistrate to pass a general order affecting the whole Town.

18. In the nature of things, it is impossible to expect that all the members of the two phanas would - ever admit that they have squared up their differences. Although there was complete settlement of the dispute and all the leaders of both phanas signed it, yet some ordinary members of the other phana came forward to - rake up the quarrel by pleading that they were not parties to it. The same thing may happen with regard to any future settlement that may be effected and reported or it may be impossible to effect settlement again. It is unreasonable to subject the whole Town to a hardship by not enquiring into the matter, and settling it according to truth, law and justice.

19. The District Magistrate's general order is - such that even marriage processions which are the very life of the people, are prohibited in the Town.

The appellants respectfully pray that the Government may be pleased to call for the records in the case and after kind perusal thereof and hearing the parties cancel the order of the District Magistrate or modify it in such a way as not to make it applicable to the - whole Town.

BANGALORE,
20-10-1917.



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Before the Government of His Highness
The Maharaja of Mysore
Bangalore

19[illegible]-19[illegible]ನೇ ಇಸವಿ Revenue Appeal ನಂಬರು.

ಅಪೀಲ್ ವಾದಿ ಹೆಸರು	ಅಪೀಲ್ ಪ್ರತಿವಾದಿ ಹೆಸರು
Gopalakrishnappa and others	C. Maligappa Setty and others

Advocate ಮಾ॥ ರಾ॥ B. Rameswamy Chetty B.A. ಅವರಿಗೆ.

Appellants ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ.

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನಪರವಾಗಿ ಕೋರ್ಟಗೆಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಪೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧ ಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ ಅರ್ಜಿವಗೈರೆ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀಮೊಬಲುಗು ಶಿಲ್ಕು ಮೊಬಲುಗು ಸಹ ಪಡದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾ ಸ್ಟ್ಯಾಂಪು, ಪ್ರೋಸೆಸ್ ಸ್ಟ್ಯಾಂಪುಗಳು ಸಹ ಪಡೆದು ಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತೂ ನನಿಗಾಗಿ ಅಮಲ್ದಾರಿ ನಡೆಸುವದಕ್ಕೂ ಸಹ, ಈ ಮೂಲಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. - ಈವಿಷಯದಲ್ಲಿ ತಾವು ನಡೆಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇರ್ಧೇನೆ.

ತಾರೀಖು 20-10-191[illegible]} ರುಜು [illegible]

ಈ ವೊಕ್ಕಾಲ್ತ್ ನಾಮ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜುಮಾಡಿರುವದ್ದರಿಂದ ನಾನು ಸರ್ಟಿಫೈಮಾಡಿಇರ್ಧೇನೆ.

ಈ ವೊಕ್ಕಾಲ್ತ್ ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇರ್ಧೇನೆ.

[illegible]

ಈ ಪಾರಂಗಳು

ಬಿ. ಸೂರ್ಯನಾರಾಯಣಶಾಸ್ತ್ರಿ, ಬುಕ್ಕು ಸೆಲರ್, ದೊಡ್ಡಪೇಟೆ ಬೆಂಗಳೂರು ಸಿಟಿ.

ಯವರಲ್ಲಿ ದೊರೆಯುತ್ತೆ

ಶಾರದಾವಿಲಾಸ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

Before the Government of His Highness
the Maharaja of Mysore,
Bangalore.

Revenue Appeal of 1917-18.

Appellants:-	Respondents:-
Gopalakrishnappa and others	vs C. Maligappa setty and others.

List of documents filed by the appellants in the above case

1. Copy of the order dated 28th July 1917 passed by the District Magistrate, Bangalore District, in G.C.P. No. 28 of 1917-18.

2. Copy of the order dated 8th October 1917 passed by the District Magistrate, Bangalore District, in G.C.P. No. 72 of 1917-18.

3. Copy of the order dated

17th July 1917 passed by the District Magistrate, Bangalore District in G. C-P No. 6 of 1917-18.

4. Sketch showing the Devanahalli Town.

Bangalore
20-10-1917

[illegible]
Advocate for the appellant

G. R. S. VI—G/32]

2/13

15.

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

Section

File No. 68-17

Serial No. 2

GENERAL AND REVENUE SECRETARIAT

( )

, the 191

Memo No. 1506 Encl

Date of issue 2.11.17

To

Signed by Mr. G. Srinivasa Rao

The accompanying petition registered as 1956 dated the 2nd October 1917 received from Gopalakrishnappa & others of Bramhalli appealing against the order of the Asst. Supdt of Bangalore suspending the possession of the ground the 18 Hanna Jodda of the place in dispute with its enclosures to the Asst. Supdt. Bangalore Asst. for report with the records of the case.

over.

By Govt

Rajaw

for Sec. Secy Govt

2/11

P.G.

26.10.17

DIARY No. 1181
1917-1918
SECTION Price
FILE No. No..... 68-17
SERIAL No. From
REVENUE SECRETARIAT
JUDICIAL III
26 NOV 1917

Office of the Deputy Commissioner,
Bangalore District.
Dated Bangalore, 23rd November'17.

P.F.Bowring, Esq.,
District Magistrate,
Bangalore District.

To

C.S.Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.

Sir,

With reference to your official Memo No.J.1506/Pol.68-17-2 dated 2nd November 1917 forwarding the petition of Gopal Krishnappa and others of Devanhalli, re - the procession of the 9th and the 18th Phana people of the place, I have the honor to forward herewith the whole file of Vernacular records and to state that the facts of the case are briefly noted in this office - office notes (vide serial No.18 of the feriet of the 1st file)and (serial No.24 of the 2nd file).

2. The records in J.C.P.Nos.6, 27, 28 and 72 of 1917-18 are also enclosed in the file(vide flag A.B.C & D).

3. In J.C.P.No.6 of 1917-18, on the strength of a communication from the Amildar of Devanhalli that the matter between the parties had been settled, I passed an order on 24th July 1917 that the -- license might be granted to the 18th Phana people to carry out their procession. Subsequently on 28th July 1917 soem 30 or more men of the 9th Phana community appeared and presented a petition protesting against the said order on the ground that the agreement referred to by the Amildar was not signed by their Yejamans, Setties etc. Thereupon, I directed that no processions of either the 9th or the 18th Phanas should take place till both parties come to an agreement amongst themselves in the matter.

4. Finally on 8th October 1917 Gopalakrishnappa and 47 others representatives of the 18th Phana section, Devanhalli, presented a petition, praying to ~~reverse~~ revoke the above order of 28th July 1917 on which the following order was passed:-

WD 02765—GPB— 79,000—25-2-17—S.

1917. 18.

From

The District Magistrate
Bangalore District.

To

The Chief Secretary to the
Government of His Highness
the Maharaja of Mysore
Bangalore.

Dated 23

Despatched 24 November 17

Received

General No. R.O.C 396 III

No. 2. 17. 23 NOV 1917

Enclosure No. 4 files (2)

Submits records
relating to the procession
of the 9th & 18th Dhana
people of Devanahalli.

I.C 9-15

118

"If the parties will enter into a fresh compromise between themselves as directed in the last sentence of my order dated 28th July 1917, I shall be willing to reconsider the matter not otherwise,"(Vide record flag D).

5. The petition received with the above together with its enclosures are herewith resubmitted.

I have the honor to be,

Sir,

Your most obedient servant.

District Magistrate,
Bangalore District.

L.S.R.
1.

19

29 Nov 20

Thro' Mr. B. V. Ramaswamy Chetty, Advocate, Bangalore.

Endorsement granted to H. Gopala Krishnappa & others of Devanhalli in reply to their petition registered vide No. 3456 dated the 20th October 1917 re grant of permission to carry on their possession in the shed of Devanhalli

Pol 68-17-4

The petitioners are informed that the Dy. Inspr. Genl., Bangalore Dt., has been requested to issue both parties a pass available only for the [illegible] of the Cattle Fair.

The records received with their petition are returned herewith.

By Order

Sd/- [illegible]
for Secy. to Govt.

B.G.
20.12.17

12/20

Dy 4.1.18

Sd/- M.G. Srinivasa

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

207/16

Diary No. of letter replied to.....

Section

File No.

Serial No. 5

GENERAL AND REVENUE SECRETARIAT,

( )

the *191*

No. J 2325

Records

Date of issue 4/1/18

To

The D.C. Anantapur, Bangalore D.C.

Signed by W.M. G. Srinivasa

Sir,

With reference to your letter No. R.O.C. 396-J17-18 dated the 23rd November 1917 submitting a report regarding the grant of permission to the 9th and the 18th Panchama people of Devanhalli to carry on their processions I am directed to observe that your order of the 28th July 1917 complained against by Gopalakrishna and others for further time in

over.

necessary for the case. In this connection
I am to invite your attention to the
recent judgment of the Ch. Court
in Regular Appeal no. 140 of 1916-17 71 X
a copy of which is herein enclosed
for reference and to request that
you may hear both parties with
their counsel and pass suitable
orders in the light of the judgment
referred to
The papers received with the letter under
reference are returned. I have &c.

for Ch. Secy. to Govt.

20.12.17

List of enclosure

Copied by

Examined by